

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
)
v.)
)
PAUL FRANCO)
)

Case No. 1:16-mj-195

Charging District No. 1:16-cr-27

Judge Steger

MEMORANDUM AND ORDER

Defendant Paul Franco (“Defendant”) came before the Court on October 4, 2016, in accordance with Rules 5 and 5.1 of the Federal Rules of Criminal Procedure, on an Indictment out of the United States District Court for the Southern District of New York.

After being sworn in due form of law, Defendant was informed or reminded of his privilege against self-incrimination under the 5th Amendment and his right to counsel under the 6th Amendment to the United States Constitution.

The Court determined that Defendant wished to be represented by an attorney and that he qualified for the appointment of an attorney to represent him at government expense. Consequently, the Court APPOINTED Gianna Maio of Federal Defender Services of Eastern Tennessee, Inc. to represent Defendant at the hearing.

Defendant was furnished with a copy of the Indictment, and he confirmed that he had an opportunity to review the Indictment with his attorney. The Court determined that Defendant was capable of being able to read and understand the Indictment. At the Court’s request, AUSA Scott Winne explained to Defendant the charge detailed in the Indictment. Defendant acknowledged that he understood the offense with which he is charged in the Indictment. The Government moved the Court to detain Defendant without bond pending further proceedings.

The Court provided a Waiver of Rule 5 and 5.1 Hearing form (“Waiver”) to Defendant which explained Defendant’s right to counsel; right to an identity hearing; right to copies of the warrant; right to a detention hearing; and right to request transfer of these proceedings to the prosecuting district, which, in this case, is the United States District Court for the Southern District of New York or to consent to having proceedings conducted in the Eastern District of Tennessee pursuant to Rule 20 of the Federal Rules of Criminal Procedure.

Following consultation with his counsel, Defendant agreed to waive reading of the indictment, an identity hearing, production of the warrant, and any detention hearing or preliminary hearing in this district, and requested that such proceedings be held in the United States District Court for the Southern District of New York at such dates and times set by that Court, all of which he confirmed through his signature on the Waiver [Doc. 1].

It is, therefore, **ORDERED** that:

1. The Government's motion that Defendant be DETAINED WITHOUT BOND pending further proceedings in the United States District Court for the Southern District of New York is GRANTED.
2. The U.S. Marshal shall transport Defendant to the United States District Court for the Southern District of New York.
3. The Clerk of Court for the Eastern District of Tennessee shall promptly transmit all documents relating to this case to the Clerk of Court for the United States District Court for the Southern District of New York.
4. The Clerk of Court for the United States District Court for the Southern District of New York shall immediately notify the United States Attorney for such district of Defendant's arrival so that further proceedings may be promptly scheduled.

ENTER.

s/Christopher H. Steger
UNITED STATES MAGISTRATE JUDGE